

Message Text

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ACTION L-02

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TAGS: PFOR, KS, AGAO, MARR, ECON

SUBJECT: GAO "CASE ACT" STUDY

REF: (A) SEOUL 3492 (B) STATE 108907

1. GAO TEAM STUDYING CASE ACT COMPLIANCE SHOWED GREATEST INTEREST IN ROK/US AGREEMENTS CONCERNING MILITARY AFFAIRS. THEY EXAMINED AND DISCUSSED WITH EMBASSY AND MILITARY THOSE AGREEMENTS RELATED TO THE BROWN MEMORANDUM WHICH WERE SIGNED SINCE CASE ACT HAS BEEN IN EFFECT. THEY WERE BRIEFED ORALLY ON THE ANNUAL SECURITY CONSULTATIVE MEETING AND US/ROK FORCE LEVEL REVIEW. IN ADDITION THEY DISCUSSED PL-480 AND OTHER AID AGREEMENTS; IN ECONOMIC AREA THEY EXPRESSED CONSIDERABLE INTEREST IN BILATERAL TEXTILE AGREEMENTS.

2. TEAM DID NOT PREPARE FORMAL REPORT SINCE SIGNIFICANT PORTION OF INVESTIGATION WILL TAKE PLACE IN WASHINGTON. HOWEVER, PRIOR TO DEPARTURE THEY INDICATED SEVERAL AREAS WHICH THEY WILL RECOMMEND FOR FURTHER STUDY BY WASHINGTON BASED TEAM.

3. AMONG THESE PROPOSALS WAS RECOMMENDATION THAT MORE UNIFORM STANDARDS BE DEVELOPED FOR DETERMINING WHAT CONSTITUTES A "SIGNIFICANT AGREEMENT"; TEAM SAID THEY COULD NOT DETERMINE RATIONALE FOR SELECTING SOME LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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AGREEMENTS AND NOT OTHERS AS "SIGNIFICANT." (EXAMPLE IS SERIES OF MEMORANDA OF UNDERSTANDING REGARDING REDEPLOYMENT OF ROK FORCES FROM VIETNAM OF WHICH ONLY DEC 1, 1972 MEMO REPORTED TO CONGRES).

4. GAO TEAM EXPRESSED CONCERN THAT SOME JUSMAG MEMORANDA OF UNDERSTANDING MAY NOT BE REACHING WASHINGTON AUTHORITIES CHARGED WITH MAKING DETERMINATION OF "SIGNIFICANCE" UNDER CASE ACT, SINCE JUSMAG IS NOT REPORTING AGREEMENTS THROUGH DOD CHANNELS, AND 11 FAM 700 PROCEDURES DO NOT CLEARLY APPLY TO JUSMAG AGREEMENTS.

5. GAO WILL RECOMMEND THAT WASHINGTON TEAM DETERMINE IF SUBSTANTIVE OFFICERS IN ADDITION TO LEGAL EXPERTS, HAVE INPUT IN CASE ACT REVIEW. TEAM ALSO SUGGESTED TO US THAT MORE INCLUSIVE CENTRAL LISTING OF AGREEMENTS WOULD BE HELPFUL.

6. DURING VISIT TEAM ASKED FOR DETAILS OF EMBASSY CLEARANCE PROCEDURES FOR SPECIFIC MILITARY AGREEMENTS DATING BACK TO 1972. IN MOST CASES WE WERE UNABLE TO RECONSTRUCT FROM 1972-73 FILES EXACT CHRONOLOGY OF CLEARANCE PROCEDURES AND SOURCES OF VARIOUS INPUTS. WE DID DESCRIBE PRESENT PROCEDURES FOR EMBASSY CLEARANCE ON AGREEMENTS AND MADE CLEAR THAT WASHINGTON AGENCIES PLAY KEY SUPERVISORY AND COORDINATING ROLE IN NEGOTIATIONS OF AGREEMENTS.

7. IN GENERAL, WE STRESSED TO TEAM THAT DEPT, WITH ITS GREATER ASSETS IN LEGAL AND LEGISLATIVE STAFF AS WELL AS HISTORICAL ARCHIVES, IS PLACE WHERE PRIMARY GAO STUDY SHOULD TAKE PLACE.

8. GAO SPECIAL INTEREST IN TEXTILE AGREEMENTS BEING REPORTED SEPTEL.
SNEIDER

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